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MONTANA LEGISLATIVE HISTORY

Chapter 489 19 89

Bill H 349 S _____ Original bill & history ✓ C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	Feb 09	✓ C	Hearing Date(s)	Mar 10	✓ C
		C		Mar 14	✓ C
		C			C
		C			C
Date Out	Feb 09	✓ C		Mar 15	✓ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

HOUSE BILL NO. 349

INTRODUCED BY STRIZICH, VAN VALKENBURG, HALLIGAN, CODY, MAZUREK, PAVLOVICH, WALKER, O'CONNELL, STANG, DRISCOLL, WYATT, PHILLIPS, COCCHIARELLA, SIMPKINS, GOOD, DARKO, SQUIRES, J. BROWN, CLARK, REAM, HARRINGTON, NISBET, RUSSELL, GERVAIS, MCCORMICK, CONNELLY, DEMARS, JOHNSON, COHEN, MCDONOUGH

IN THE HOUSE

JANUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 23, 1989	FIRST READING.
FEBRUARY 9, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 10, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 97; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 16, 1989	SECOND READING, CONCURRED IN.
MARCH 18, 1989	THIRD READING, CONCURRED IN. AYES, 45; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 30, 1989 — RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS CONCURRED IN.

MARCH 31, 1989 — THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0944/01

HOUSE BILL NO. 349

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING THE SEIZING LAW ENFORCEMENT AGENCY AS THE ENTITY THAT HOLDS AND DISPOSES OF SEIZED PROPERTY THAT WAS USED TO VIOLATE DRUG LAWS; AND AMENDING SECTIONS 44-12-103 AND 44-12-205, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 44-12-103, MCA, is amended to read:

"**44-12-103. When property may be seized.** (1) A peace officer who has probable cause to make an arrest for a violation of Title 45, chapter 9, probable cause to believe that a conveyance has been used or is intended to be used to unlawfully transport a controlled substance, or probable cause to believe that a conveyance has been used to keep, deposit, or conceal a controlled substance shall seize the conveyance so used or intended to be used or any conveyance in which a controlled substance is unlawfully possessed by an occupant. He shall immediately deliver a conveyance that he seizes to the ~~sheriff~~ offices of his law enforcement agency ~~of the county in which the seizure is made~~, to be held as evidence until forfeiture is declared or release ordered.

(2) All property subject to forfeiture under 44-12-102 may be seized by a peace officer under a search warrant issued by a district court having jurisdiction over the property. Seizure without a warrant may be made if:

(a) the seizure is incident to an arrest or a search under a search warrant issued for another purpose or an inspection under an administrative inspection warrant;

(b) the property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal proceeding or a forfeiture proceeding based on this chapter;

(c) the peace officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) the peace officer has probable cause to believe that the property was used or is intended to be used in violation of Title 45, chapter 9, or in violation of Title 45, chapter 10, part 1."

Section 2. Section 44-12-205, MCA, is amended to read:

"**44-12-205. Disposition of property following hearing.** (1) If the court finds that the property was not used for the purpose charged or that the property listed in 44-12-102(1)(g) was used without the knowledge or consent of the owner, it shall order the property released to the owner of record as of the date of the seizure.

(2) If the court finds that the property was used for

INTRODUCED BILL
HB 349

the purpose charged and that the property listed in 44-12-102(1)(g) was used with the knowledge or consent of the owner, the property shall be disposed of as follows:

(a) If proper proof of his claim is presented at the hearing by the holder of a security interest, the court shall order the property released to the holder of the security interest if the amount due him is equal to or in excess of the value of the property as of the date of seizure, it being the purpose of this chapter to forfeit only the right, title, or interest of the owner. If the amount due the holder of the security interest is less than the value of the property, the property ~~must~~ may be sold at public auction by the ~~sheriff of the county in which the seizure was made~~ law enforcement agency that seized the property in the same manner provided by law for the sale of property under execution or the ~~state~~ law enforcement agency may return the property to the holder of the security interest without proceeding with an auction.

(b) If no claimant exists and the confiscating agency wishes to retain the property for its official use, it may do so. If such property is not to be retained, it must be sold as provided in subsection (2)(a).

(c) If a claimant who has presented proper proof of his claim exists and the confiscating agency wishes to retain the property for its official use, it may do so

provided it compensates the claimant in the amount of the security interest outstanding at the time of the seizure.

(3) In making a disposition of property under this chapter, the court may take any action to protect the rights of innocent persons."

NEW SECTION. **Section 3.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

-End-

3/13	2ND READING AMENDMENTS CONCURRED	91	0
3/14	3RD READING AMENDMENTS CONCURRED	98	0
3/21	SIGNED BY SPEAKER		
3/22	SIGNED BY PRESIDENT		
3/22	TRANSMITTED TO GOVERNOR		
3/27	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 333		
	EFFECTIVE DATE: 07/01/89 (1-12, 14)		
	EFFECTIVE DATE: 03/27/89 (S13, 15, 16)		

HB 348 INTRODUCED BY MARKS
GENERALLY REVISE LAWS RELATING TO OCCUPATIONAL DISEASE TO CLARIFY THE MEDICAL PANEL EXAMINATION AND HEARING PROCESSES
BY REQUEST OF WORKERS' COMPENSATION DIVISION

1/21	INTRODUCED		
1/23	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
1/31	HEARING		
2/01	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/03	2ND READING PASSED	100	0
2/06	3RD READING PASSED	93	1
	TRANSMITTED TO SENATE		
2/07	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
3/02	HEARING		
3/04	COMMITTEE REPORT--BILL CONCURRED		
3/06	2ND READING CONCURRED	50	0
3/08	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
3/14	SIGNED BY SPEAKER		
3/14	SIGNED BY PRESIDENT		
3/15	TRANSMITTED TO GOVERNOR		
3/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 162 EFFECTIVE DATE: 7/01/89		

HB 349 INTRODUCED BY STRIZICH, ET AL.
DESIGNATE SEIZING LAW ENFORCEMENT AGENCY AS ENTITY THAT HOLDS AND DISPOSES OF SEIZED PROPERTY THAT WAS USED TO VIOLATE DRUG LAWS

1/21	INTRODUCED		
1/23	REFERRED TO JUDICIARY		
2/09	HEARING		
2/09	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/11	2ND READING PASSED	90	3
2/14	3RD READING PASSED	97	0
	TRANSMITTED TO SENATE		
2/15	REFERRED TO JUDICIARY		
3/10	HEARING		
3/15	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/16	2ND READING CONCURRED	47	0
3/18	3RD READING CONCURRED	45	0
	RETURNED TO HOUSE WITH AMENDMENTS		
3/30	2ND READING AMENDMENTS CONCURRED	95	0
3/31	3RD READING AMENDMENTS CONCURRED	98	0

4/06 SIGNED BY SPEAKER
4/07 SIGNED BY PRESIDENT
4/07 TRANSMITTED TO GOVERNOR
4/11 SIGNED BY GOVERNOR
CHAPTER NUMBER 489 EFFECTIVE DATE: 10/01/89

HB 350 INTRODUCED BY STRIZICH, ET AL.
ALLOW SENTENCING COURT TO ORDER AN OFFENDER WHO IS REQUIRED TO MAKE RESTITUTION TO PAY COST OF SUPERVISING THE MAKING OF RESTITUTION

1/21 INTRODUCED
1/23 REFERRED TO JUDICIARY
1/24 FISCAL NOTE REQUESTED
1/28 FISCAL NOTE RECEIVED
1/30 FISCAL NOTE PRINTED
2/09 HEARING
2/09 COMMITTEE REPORT--BILL PASSED
2/11 2ND READING PASSED 90 0
2/14 3RD READING PASSED 96 0

TRANSMITTED TO SENATE
2/15 REFERRED TO JUDICIARY
3/10 HEARING
3/15 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
3/16 2ND READING CONCURRED 47 0
3/18 3RD READING CONCURRED 46 0

RETURNED TO HOUSE WITH AMENDMENTS
3/30 2ND READING AMENDMENTS CONCURRED 94 0
3/31 3RD READING AMENDMENTS CONCURRED 98 0

4/06 SIGNED BY SPEAKER
4/07 SIGNED BY PRESIDENT
4/07 TRANSMITTED TO GOVERNOR
4/11 SIGNED BY GOVERNOR
CHAPTER NUMBER 490 EFFECTIVE DATE: 10/01/89

HB 351 INTRODUCED BY STRIZICH, ET AL.
CREATE THE CRIMINAL OFFENSE OF POSSESSION OF A SAWED-OFF RIFLE OR SHOTGUN

1/21 INTRODUCED
1/23 REFERRED TO JUDICIARY
2/09 HEARING
2/09 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/11 2ND READING PASSED 78 13
2/14 3RD READING PASSED 82 15

TRANSMITTED TO SENATE
2/15 REFERRED TO JUDICIARY
3/10 HEARING
3/13 COMMITTEE REPORT--BILL CONCURRED
3/14 2ND READING CONCURRED 49 0
3/16 3RD READING CONCURRED 48 0

RETURNED TO HOUSE
3/21 SIGNED BY SPEAKER
3/22 SIGNED BY PRESIDENT

than 12 persons in criminal cases if the parties agree to that number. That is contained in Title 46 of Chapter 16 (46-16-102), as well as 46-16-305. These titles do not conflict with the provisions of the bill, they are just consistent with it.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Addy questioned Mr. Connor if during a trial in a felony criminal prosecution, is there a unanimous jury verdict required? Mr. Connor responded that he was correct and there were no further questions.

Closing by Sponsor: Rep. Brown closed.

DISPOSITION OF HOUSE BILL 459

Motion: A DO PASS motion was made by Rep. Addy, motion seconded by Rep. Wyatt.

Discussion: Rep. Knapp stated that his concern with the bill is the fact that it takes the parties to agree. If he was a strong prosecuting attorney he would just as soon have the 6 person jury. He feels there are going to be a lot of appeals for inadequate defense.

Amendments, Discussion, and Votes: Rep. Addy moved to amend Page 1, Line 13, Following "or", Insert , with the approval of the court ,. Motion seconded by Rep. Boharski and CARRIED unanimously.

Recommendation and Vote: Rep. Addy motioned HB 459 DO PASS AS AMENDED, motion seconded by Rep. Strizich. A vote was taken and CARRIED with Rep.'s Knapp, Wyatt, Gould, Eudaily, Boharski, Hannah and Brown voting No.

HEARING ON HOUSE BILL 349

Presentation and Opening Statement by Sponsor:

Rep. Bill Strizich, House District 41 stated that as most are aware, law enforcement agencies have the power to seize property which is determined to be involved in the marketing of dangerous drugs in conjunction with an arrest and conviction. When this occurs under current law the police department of cities and towns are required to dispose of the seized property through the sheriff of the respective county. This bill simply allows for the property seized by the police department to be disposed of by

their respective city government. Rep. Strizich stressed that this will simplify the handling of the seized property and remove the burden from the sheriff. Furthermore, both the sheriff officers and the respective police department stand to benefit from allowing this to occur.

Testifying Proponents and Who They Represent:

Detective Sergeant Larry Renman, Great Falls City Police Department

Proponent Testimony:

Detective Renman stated that a portion of his duties consist of controlling the narcotics investigations within the city of Great Falls. Detective Renman commented that they have encountered some real problems with the disposing of property with the current statute as it is now. The seizure statute allows for the seizure of money, property, personal property, and vehicles as well as vessels and aircrafts. He stated that the only time they run into a basic problem is when they are dealing with the seizure and disposal of vehicles. The law as it currently stands, Section 44-12-103, indicates that the minute property is seized the sheriff of that county must immediately be notified. Mr. Renman stated that they do not even bother with that and it is not being followed. When they seize property, after the courts file a seizure notice and they receive the property, that property goes to the Department for their use. At that point they must decide whether have any use for it or whether they want to dispose of it. When the time comes to dispose of the property, they must then contact the sheriff. At that time, the sheriff must set up an auction and the Dept. is at the mercy of the sheriff as to whenever he decides he wants to dispose of the property. Mr. Renman expressed that they would like to see that the statute change so as any agency that seizes any property will be responsible for its own disposal.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Aafedt questioned Detective Renman as to where the money goes when a vehicle or property is disposed of. Detective Renman stated that the money that is received due to the disposal of a vehicle or property is brought into the agency drug investigative fund that seized the vehicle.

Rep. Stickney asked if this is a statewide problem or if it is a

local problem within the Great Falls area. Detective Renman responded that it is a problem throughout the State and that Montana is one of the few states that has that incumbrance on the cities.

Rep. Gould commented that he had concerns regarding the possibility of a person in the police department taking a special liking to the proposed vehicle and would able to buy it at a much reduced price. He questioned Rep. Strizich as to if he would be opposed to amending the bill so as the vehicles could not be purchased by members or family members of the police department. Rep. Strizich stated that he would not have a problem with that.

Closing by Sponsor: Rep. Strizich closed.

DISPOSITION OF HOUSE BILL 349

Motion: Rep. Strizich made a DO PASS motion, seconded by Rep. Gould.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Gould moved to amend the bill so as persons related to an officer or employee by blood or marriage are prohibited from purchasing any property that may be sold (see attached standing committee report). Motion was seconded by Rep. Aafedt. A vote was taken on the amendment and passed with Rep. Hannah voting against the amendment.

Recommendation and Vote: Rep. Strizich moved DO PASS AS AMENDED, motion seconded by Rep. Gould. A vote was taken and CARRIED unanimously.

DISPOSITION OF HOUSE BILL 112

Motion: Rep. Gould motioned HB 112 DO PASS, motion seconded by Rep. Hannah.

Discussion: Rep. Brown commented that he feels the in terms of ability to appeal the screws have been tightened down too tight. He feels the court ought to have more discretion and there should be more discretion on the side of the person receiving the sentence.

Rep. Strizich stated that he has similar concerns about the bill. He feels they are removing a lot of the discretion of the judge and that it is a real important part of the system that they have that the judge has some discretion in his deferral of these cases. There is a certain amount of forgiveness that has to be allowed for the judge to work with. Rep. Strizich expressed that if they want to do it that way, then they may as well remove the judges, plug a computer into the wall, have a data entry operator and have

DAILY ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date FEB. 9, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

CS-30

STANDING COMMITTEE REPORT

February 9, 1989

Mr. Speaker: We, the committee on Judiciary report that HOUSE BILL 349 (first reading copy -- white) do pass as amended .

Signed: _____
Dave Brown, Chairman

And, that such amendments read:

1. Title, line 6.
Following: "LAWS;"
Insert: "PROHIBITING CERTAIN PERSONS FROM PURCHASING THE PROPERTY;"

2. Page 3, line 18.
Following: "auction."
Insert: "The property may not be sold to an officer or employee of the law enforcement agency that seized the property or to a person related to an officer or employee by blood or marriage."

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Vice Chairman Al Bishop, on March 10, 1989, at 10:00 a.m. in Room 325.

ROLL CALL

Members Present: Vice Chairman Al Bishop, Senators Tom Beck, Mike Halligan, Bob Brown, Joe Mazurek, Loren Jenkins, R. J. "Dick" Pinsoneault, John Harp, and Bill Yellowtail

Members Excused: Chairman Bruce Crippen

Members Absent: None

Staff Present: Valencia Lane, Staff Attorney and Rosemary Jacoby, Secretary

Announcements/Discussion: There were none.

HEARING ON HOUSE BILL 349

Presentation and Opening Statement by Sponsor:
Representative Bill Strizich of Great Falls representing District 41 said that House Bill 349 was drafted at the request of the Great Falls police department. Law enforcement officials have the power to seize vehicles which have been determined to be involved in the marketing of dangerous drugs. When this occurs in conjunction with arrest and conviction, under current law the police in cities and county are required to dispose of the property through the sheriff in the respective county. This bill allows the property to be disposed of by the respective city government.

List of Testifying Proponents and What Group they Represent:
Larry Renman, Detective Sergeant, Great Falls Police Department

List of Testifying Opponents and What Group They Represent:

There were none.

Testimony:
Larry Renman said his duties were to conduct investigations, at which time seizures of property were sometimes involves. Montana codes 44-12-206, regarding disposition of property requires that all proceeds derived from the forfeiture are directed into a city drug forfeiture fund and anything seized in the county is directed into the county fund. The legislature has seen fit to separate the two funds. The problem is that in section 44-12-103 and 44-12-205 which dictates that seized property has to go the sheriff, who is responsible for holding auctions to dispose of the property. It causes a delay and places a burden on the sheriff, he said, requiring manpower and funds. The bill will separate the auction requirement requiring the city to dispose of property seized in city and the county to dispose of property seized in the county. He submitted letters from Patrick Paul, Cascade County Attorney, (see Exhibit 1) and from Barry Michelotti, Cascade County Sheriff (see Exhibit 2) supporting the bill.

Questions From Committee Members: Senator Yellowtail asked why the bill changed "must" to "may" on page 3, line 18. Rep. Strizich said that had been done on the advice of the council.

Senator Yellowtail said the original statute states "must be sold at auction". Sheriff O'Reilly said the language would allow an enforcement agency to maintain some items to use on display.

Senator Mazurek asked if the sheriff would have any objection to rewording the section to say that, if an item was to be sold, it would be sold at public auction rather than a private means. Sheriff O'Reilly said he had no objection to that.

Senator Jenkins said that the old language on line 18 states that the property " must be sold", but on line 23, it states that the property "may be returned". He wondered if there was any discretion in the statute. Sheriff said there was.

Closing by Sponsor: Rep. Strizich closed the hearing saying Senator Van Valkenburg had offered to carry the bill in the Senate.

ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date 3-10-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN			✓
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

SENATE JUDICIARY
EXHIBIT NO. 1
DATE 3-10-89
BILL NO. HB 349

Cascade County

State of Montana

TELEPHONE: (406) 761-6700

Office of the County Attorney
PATRICK L. PAUL

Courthouse
Great Falls, Montana 59401

Ma rch 9, 1989

Honorable Representatives

Re: House Bill 349

I would like to express my support to the proposed amendment to Sections 44-12-103, MCA, and 44-12-205, MCA, which would allow law enforcement agencies to conduct a public auction of the property they seize as a result of a violation to Title 45, Chapter 9. I see no reason why the Sheriff's Department should be saddled with the burden of being auctioneer in a case where they have not seized any property and are receiving no proceeds from the forfeiture.

Sincerely,

PATRICK L. PAUL
CASCADE COUNTY ATTORNEY

PLP/mb

SENATE JUDICIARY
EXHIBIT NO. 2
DATE 3-10-89
BILL NO. HB 349

CASCADE COUNTY
SHERIFF
CORONER

BARRY C. MICHELOTTI

CASCADE COUNTY
325 Second Avenue North
Great Falls, Montana 59401
(406) 761-6842

March 9, 1989

Honorable Representatives

Re: House Bill 349

I support the proposed amendment to Sections 44-12-103, MCA and 44-12-205, MCA, which would allow city police departments to conduct a public auction of property seized as a result of a violation to Title 45, Chapter 9.

Very truly yours,

Barry Michelotti

BARRY C. MICHELOTTI
Cascade County Sheriff/Coroner

BCM:jbs

EXECUTIVE SESSION

HOUSE BILL 295

Discussion: House Bill 295 had been acted upon March 9, but Senator Mazurek had requested that the Standing Committee Report be delayed. Senator Mazurek said there was language in the bill which needed to be deleted in the amendment.

Recommendation for Reconsideration:
Recommendation and Vote: Senator Mazurek MOVED that House Bill 295 BE RECONSIDERED. The MOTION CARRIED UNANIMOUSLY.

Amendments and Votes: Senator Mazurek MOVED to adopt the amendment mentioned by Senator Mazurek (Exhibit 6). The MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote: Senator Mazurek MOVED that House bill 295 BE CONCURRED IN AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

HOUSE BILL 349

Discussion: Senator Crippen said there were possible amendment regarding "auction". Senator Yellowtail said that the amendments stated that, if the seized property is to be sold, it will be sold by auction or sheriff's sale.

Amendment and Votes: Senator Yellowtail MOVED the amendment (Exhibit 7). The MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote: Senator Pinsoneault MOVED that House Bill 349 BE CONCURRED IN AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

HOUSE BILL 350

Discussion: Chairman Crippen commented that the committee had acted upon the bill previously but that the report had been delayed pending further study.

Reconsideration Motion: Senator Mazurek MOVED that House Bill 350 be RECONSIDERED. The MOTION CARRIED UNANIMOUSLY.

Discussion: Senator Mazurek said he had prepared an amendment on the bill. He said he was trying to coordinate

ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date 3-14-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

March 15, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 349 (third reading copy -- blue), respectfully report that HB 349 be amended and as so amended be concurred in:

Sponsor: Strizich (Van Valkenburg)

1. Page 3, line 18.
Following: "~~must~~"
Strike: "may"
Insert: ", if it is sold, must"

AND AS AMENDED BE CONCURRED IN

Signed: _____
Bruce D. Crippen, Chairman

3/16/89

scjbb349.315

EX

SENATE JUDICIARY
EXHIBIT NO. 7
DATE 3-14-89
BILL NO. HB 349

Amendments to House Bill No. 349
Third Reading Copy (BLUE)

Requested by Senator Yellowtail
For the Committee on Judiciary

Prepared by Valencia Lane
March 13, 1989

1. Page 3, line 18.
Following: "~~must~~"
Strike: "may"
Insert: ", if it is sold, must"